

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	: Bankruptcy No. 22-11648-amc
Christine Shifflett,	: Chapter 13
<i>Debtor.</i>	:
<hr style="width: 50%; margin-left: 0;"/>	
Superior Credit Union	:
<i>Movant,</i>	:
vs.	:
Christine Shifflett,	:
Charles William Shifflett (Non-Filing Co-Debtor)	:
<i>Debtor/Respondents,</i>	:
and	:
Scott F. Waterman, Esquire,	:
<i>Trustee/Respondent.</i>	:

MOTION FOR RELIEF FROM AUTOMATIC STAY
UNDER 11 U.S.C. § 362 and §1301

Movant, by its Attorneys, Hladik, Onorato & Federman, LLP, hereby requests a termination of the Automatic Stay and leave to proceed with its state court rights provided under the terms of the Mortgage.

1. Movant is Superior Credit Union (“Movant”).
2. Debtor, Christine Shifflett (“Debtor”), and Non-Filing Co-Debtor, Charles William Shifflett (“Non-Filing Co-Debtor”) are owners of the premises located at 1243 Pine Ridge Drive, Perkiomenville, PA 18074 (the “Property”).
3. Scott F. Waterman, Esquire is the Trustee appointed by the Court.
4. Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on June 24, 2022.
5. Movant is the holder of a mortgage lien on the Property in the original principal amount of \$171,097.01, which was recorded on August 25, 2016 (the “Mortgage”) and was executed by Debtor. A true and correct copy of the Mortgage is attached to Movant’s Proof of Claim #11 filed on the Claims Register.

6. As of April 24, 2024, Movant has not received the following monthly post-petition Mortgage payments:

July 20, 2023 through April 20, 2024 at \$1,694.06 each.....	\$16,940.60
Attorney's Fees/Costs.....	\$1,249.00
Less Suspense.....	(\$1,392.73)
Total post-petition arrearage.....	\$16,796.87

7. The total amount due on the loan is approximately \$175,339.38.

8. Movant has cause to have the Automatic Stay terminated, to permit Movant to complete foreclosure on its Mortgage.

9. This Motion and the averments contained herein do not constitute a waiver by the Movant of its right to seek reimbursement of any amounts not included in this Motion, including fees and costs, due under the terms of the Mortgage and applicable law.

10. Pursuant to 11 U.S.C. § 362, the Automatic Stay of the Bankruptcy Code should be terminated as to Movant because:

- a. Movant lacks adequate protection of its security interest under 11 U.S.C. § 362(d)(1); and
- b. Debtor has no equity in the mortgaged property and the property is not necessary for an effective reorganization. 11 U.S.C. § 362(d)(2)

11. The Co-Debtor Stay of Section 1301 should be terminated as Charles William Shifflett, pursuant to 11 U.S.C. 1301(c) because the Creditor's interests would be irreparably harmed by a continuation of the stay.

WHEREFORE, Movant respectfully requests that this Court enter an Order:

- a. Modifying the Automatic Stay under 11 U.S.C. § 362 of the Bankruptcy Code with respect to the Property as to permit Movant to foreclose on its Mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal or consensual action for enforcement of its right to possession of, or title to; and
- b. Granting any other relief that this Court deems equitable and just.

Respectfully submitted,

Date: 04/24/2024

/s/Danielle Boyle-Ebersole
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